

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend and Clarify Certain Portions of the Dental Practice Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §1062-A, sub-§1, as amended by PL 2007, c. 620, Pt. C, §1, is further amended to read:

1. Penalties. A person who practices or falsely claims legal authority to practice dentistry, dental hygiene, independent practice dental hygiene, denturism or dental radiography in this State without first obtaining a license as required by this chapter, or after the license has expired, has been suspended or revoked or has been temporarily suspended or revoked, commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 2. 32 MRSA §1074, as amended by PL 2005, c. 45, §1, is further amended to read:

§ 1074. Affiliation with American Association of Dental Boards

The board may affiliate with the American Association of Dental ~~Examiners~~Boards or its successor as an active member and pay regular dues to that association and may send one or more delegates to the meetings of the American Association of Dental ~~Examiners~~Boards or its successor. These delegates are entitled to receive compensation provided for in section 1071.

Sec. 3. 32 MRSA §1081, sub-§1, as amended by PL 1993, c. 600, Pt. A, §63, is further amended to read:

1. Practicing dentistry. A person is considered to be practicing dentistry when that person performs, or attempts or professes to perform, a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid, directly or indirectly to the person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed. A person who directly or indirectly, by any means or method, takes impressions of a human tooth, teeth, jaws or performs a phase of an operation incident to the replacement of a part of a tooth; or supplies artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, reproduces or repairs a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed dentist; or who places dental appliances or structures in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to a person other than the dentist upon whose prescription the work was performed; or who professes to the public by any method to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or other structure to be worn in the human mouth, or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure, or who extracts or attempts to extract human teeth, or corrects or attempts to correct malformations of teeth or of the jaws is also considered to be practicing dentistry. A person who repairs or fills cavities in the human teeth; or who diagnoses, makes and adjusts appliances to artificial casts or

malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction; or who uses an x-ray machine for the purpose of taking dental x rays, or who gives or professes to give interpretations or readings of dental x rays; or who administers an ~~anaesthetic~~anesthetic of any nature in connection with a dental operation; or who uses the words dentist, dental surgeon, oral surgeon or the letters D.D.S., D.M.D. or any other words, letters, title or descriptive matter that in any way represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or who states, or professes or permits to be stated or professed by any means or method whatsoever that the person can perform or will attempt to perform dental operations or render a diagnosis connected with dental operations is also considered to be practicing dentistry.

Sec. 4. 32 MRSA §1092, sub-§1, as amended by PL 2007, c. 620, Pt. C, §§7 and 8, is further amended to read:

1. Unlawful practice. A person may not:

- A. Practice dentistry without obtaining a license;
- B. Practice dentistry under a false or assumed name;
- C. Practice dentistry under the license of another person of the same name;
- D. Practice dentistry under the name of a corporation, company, association, parlor or trade name;
- E. While manager, proprietor, operator or conductor of a place for performing dental operations, employ a person who is not a lawful practitioner of dentistry in this State to perform dental practices as described in section 1081;
- F. While manager, proprietor, operator or conductor of a place for performing dental operations, permit a person to practice dentistry under a false name;
- G. Assume a title or append or prefix to that person's name the letters that falsely represent the person as having a degree from a dental college;
- H. Impersonate another at an examination held by the board;
- I. Knowingly make a false application or false representation in connection with an examination held by the board;
- J. Practice as a dental hygienist or independent practice dental hygienist without having a license to do so; ~~or~~
- K. Employ a person as a dental hygienist or independent practice dental hygienist who is not licensed to practice;
- L. Practice as a denturist without having a license to do so;
- M. Practice as a dental radiographer without having a license to do so;

- N. Employ a person as a denturist who is not licensed to practice; or
- O. Employ a person as a dental radiographer who is not licensed to practice.

SUMMARY

This bill clarifies that dental practice, such as dentistry and dental hygiene, without a license, including while a license is suspended, is a strict liability crime. In addition, this bill amends the law regarding unlicensed practice by including 2 categories of licensure, denturists and dental radiographers, that were inadvertently omitted and makes other minor corrections.